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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICK HUGH MORRISON,

Plaintiff - Appellant,

v.

MAX WILLIAMS, Director, Oregon
Department Corrections; et al.,

Defendants - Appellees.

No. 06-35294

D.C. No. CV-05-00776-AJB

MEMORANDUM *

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ and McKEOWN, Circuit Judges.

Oregon state prisoner Patrick Hugh Morrison appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging he was denied a

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

jury trial in a state prison disciplinary proceeding. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal for failure to state a claim pursuant to 28 U.S.C. § 1915(e), *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order), and we affirm.

The district court did not err in dismissing Morrison's action for failure to state a claim on the ground that the Seventh Amendment guarantee of a jury trial does not apply to state proceedings. *See R.J. Reynolds Tobacco Co. v. Shewry*, 423 F.3d 906, 924 (9th Cir. 2005) ("[T]he Seventh Amendment's guarantee of the right to a civil trial by jury does not apply to the states and was not incorporated into the Fourteenth Amendment.").

The district court also did not abuse its discretion by denying his motion for clarification.

Morrison's remaining contentions are unpersuasive.

AFFIRMED.